

FINAL

**THIRD TAXING DISTRICT
COMMISSION MEETING
JULY 18, 2005**

ATTENDANCE: David Brown, Chairman; Stephen Feinstein; Paul Coggin; John Stoops.

STAFF: George Leary, General Manager.

OTHERS: Larry Dennin, Attorney; Ron Scofield; Fred Bondi, Kevin Poruban, Common Council; Robert Koch, The Hour Newspapers.

Mr. Brown called the meeting to order at 7:05 p.m.

Before moving ahead with the Public Comment section of the meeting, Mr. Brown asked to address the Commission and the public regarding the controversy surrounding his handing in a letter of resignation which he had since rescinded. Mr. Brown explained that the letter had been written during a period of personal health crisis. He said that the letter had never been accepted by the Commission so his resignation had not been accepted. Mr. Brown wanted to rebut comments made by another Commissioner which were reported in the news media stating that he had been on the Commission too long and that new blood was needed, and other such remarks.

Mr. Brown said that the Commission's energy should be focused on trying to keep costs down for its customers and not on things like period lighting, granite curbing, etc. He stated that Mr. Feinstein would be moving which would leave a vacancy on the Commission and that his seat would need to be replaced, allowing for someone new to join the Commission. Mr. Brown called for the Commission to do what was right for the people and he called for anyone who had read the articles in the news media to come to the meetings and be a part of the community.

PUBLIC COMMENT

Mr. Steven Orris said that he was taken aback by Mr. Coggin's comments and by what had taken place regarding Mr. Brown's resignation. He said he had known many Commissioners and that none could surpass the honesty and integrity of Mr. Brown. He also wanted to express his thanks to Mr. Feinstein for his support of Mr. Brown.

Ms. Diane Ceci said she echoed Mr. Orris' remarks and was proud to have Mr. Brown representing her on the Commission. She hoped he would stay healthy and continue to run as a Commissioner, saying he was honest and fiscally-minded and that she was glad his letter was rescinded. Ms. Ceci said she hoped Mr. Coggin never found himself

FINAL

having to deal with a similar health crisis.

Mr. Jerry Kurti stated that he did not want to see Mr. Brown leave the Commission and that it makes him feel good as a ratepayer to know that there was someone like Mr. Brown working for him. Mr. Kurti said that there was a great balance between the three Commissioners and that they work well together. He admonished the Commission to put this controversy behind them and continue to work well together.

Ms. Martha Lemmon said that Mr. Brown is an asset to the community. She told Mr. Coggin to do the right thing and that she felt he had been very shortsighted. Ms. Lemmon said she was disappointed that he had gone forward with his comments regarding Mr. Brown.

Mr. Coggin said that no one had asked for this event to happen and that he was taken off guard to have received Mr. Brown's resignation letter which came as a complete surprise to him. He said he was told that Mr. Brown was fine medically and did not want to return to the Commission. Mr. Coggin said that no one asked Mr. Brown to step down but that he (Mr. Coggin) was told that it was his responsibility to find a new Commissioner and that he was following the legal guidelines for doing so. Mr. Coggin was told by counsel that he was to appoint two new Commissioners and said that he did not ask for this responsibility. He said that when the news media and others contacted him for his opinion he said that his responsibility was to uphold the law. He felt that he had to defend himself in public, that as a Commissioner he had an open door policy but now felt he had to rebut the comments he was hearing regarding the situation.

Ms. Lemmon asked if there was a Commissioner with an agenda and did Mr. Coggin know something that the electors did not. She said that Mr. Coggin had an agenda and that the Commissioners were to work together. She said she wanted Mr. Brown back on the Commission and what was Mr. Coggin going to do about it.

Mr. Coggin said he was on the Commission because he wanted to give back to the community and that he did not ask to be put in this position.

Mr. Feinstein said that he was not moving, there was a real estate sign in front of his house and things were taken out of context there. He said that when his term was up he was not asking for reelection. Mr. Feinstein pointed out that the Commission hired Attorney Dennin for his legal opinion and that Mr. Brown's resignation was not acted upon because the letter was rescinded which left nothing to act on. He said that Mr. Brown was the most decent person he knew.

Mr. Coggin said in closing, the next newsletter coming out had a thank you to Mr. Brown which he had written before he knew Mr. Brown was coming back to the Commission and that it was his expression of Mr. Brown's worth to the Commission.

Third Taxing District

July 18, 2005

Page 2

FINAL

Mr. Brown said that it was good to be back; he hoped there would be an end to any impending lawsuits and they could get back to the work at hand. He said this was the best Commission he had worked with and that they had accomplished the most of any commission before.

Mr. Bondi said that he was the Common Council representative for this district as was Mr. Poruban and they were glad to see the situation settled and the Commission getting back to business. He said he and Mr. Poruban would be available at any time if the Commission or the electors needed their help.

APPROVAL OF THE MINUTES OF MAY 23, 2005 AND JUNE 27, 2005

CORRECTIONS TO REGULAR MEETING MINUTES OF MAY 23, 2005

The following change was made to the Regular Meeting minutes of May 23, 2005:

Page 5 – Second paragraph - change “Street Lighting Near Union Cemetery” to read “East Norwalk Historical Cemetery.”

**** MR. BROWN MOVED TO ACCEPT THE MINUTES OF REGULAR MEETING MAY 23, 2005 AS AMENDED.**

Mr. Leary said he needed to give the Commission more information and asked that the minutes be tabled until further notice.

**** MR. BROWN MOVED TO TABLE THE MINUTES OF REGULAR MEETING MAY 23, 2005 UNTIL FURTHER INFORMATION WAS OBTAINED FROM MR. LEARY.**

**** MR. FEINSTEIN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

CORRECTIONS TO SPECIAL MEETING MINUTES OF JUNE 27, 2005

There were no corrections.

**** MR. FEINSTEIN MOVED TO ACCEPT THE MINUTES OF SPECIAL MEETING JUNE 27, 2005 AS WRITTEN.**

**** MR. COGGINS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Third Taxing District

July 18, 2005

Page 3

ACTION ON DAVID BROWN REINSTATEMENT LETTER OF JULY 8, 2005

Mr. Feinstein said that this was a moot point due to Mr. Brown's opening comments. He questioned Mr. Dennin regarding notification of the Secretary of State and asked if the Secretary of State had been notified by any official of Mr. Brown's resignation letter. Mr. Dennin said that no one notified the Secretary of State.

CMEEC BILLING RATE FOR 2005-2006

- ** MR. FEINSTEIN MOVED TO SET THE CMEEC RATE AT \$78.25 EFFECTIVE JULY 1, 2005.**
- ** MR. BROWN SECONDED.**

Mr. Stoops objected to the rate change and said there was no need to change it. Mr. Leary suggested he look at the profit. Mr. Stoops said it was a forecast at best. Mr. Coggins was concerned about the Norden project. Mr. Feinstein said that they can't focus on a single line item, the entire picture must be taken into account. He said they can't look only at 2-3 years, but must look 4-5 years. Mr. Brown said he agreed with Mr. Feinstein's motion but wanted to wait one month to see what the effect would be.

- ** MOTION PASSED WITH ONE ABSTENTION (MR. COGGIN).**

PROJECT MANAGER'S UPDATE – MAINTENANCE/REPAIRS OF DISTRICT PROPERTIES

Mr. Leary reported that the project manager recently hired had resigned as of the past Friday. Mr. Feinstein asked if the reason for his resignation was listed. Mr. Leary said that he found the project too frustrating and felt that he couldn't do the timeline because the bidders wouldn't give him dates for the completion of the project, they would show up late for meetings or not at all. Mr. Leary recommended the Commission look for a new project manager and put the position out to bid as they had done in the past.

No vote was taken on this item.

APPRENTICE LINE WORKER PROGRAM

- ** MR. FEINSTEIN MOVED TO APPROVE THE PROGRAM EFFECTIVE AUGUST 1, 2005 AND TO HIRE A LINE WORKER APPRENTICE.**
- ** MR. COGGIN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Third Taxing District

July 18, 2005

Page 4

GENERAL MANAGER'S REPORT INCLUDING OPERATING REPORTS

- ** MR. FEINSTEIN MOVED THAT THE RULES BE SUSPENDED IN ORDER TO TAKE THIS ITEM OUT OF AGENDA ORDER.**
- ** MR. BROWN SECONDED.**
- ** MOTION PASSED WITH ONE ABSTENTION (MR. COGGIN).**

Mr. Leary said that the writeup on the TTD/Norden Distribution Generation Project which was to be item #7 on the agenda could be found in his report on page 35.

Mr. Leary gave his report to the Commission. Ms. Ceci asked the Commission for permission to speak.

- ** MR. BROWN MOVED TO SUSPEND THE RULES TO ALLOW MS. CECI TO ADDRESS THE COMMISSION.**
- ** MR. COGGIN SECONDED.**
- ** MOTION PASSED WITH ONE OBJECTION (MR. FEINSTEIN).**

FEDERAL DOE LETTER REGARDING OVERDUE FILING

Mr. Leary said that this report was to be filed annually and that they were tardy this year and the letter came to prod them along. He said there were no fines assessed yet. Mr. Coggins asked how long would it be before the report was filed. Mr. Scofield said he could file the report within one week if he could bypass other priorities to get it done.

CONNECTICUT STATE LETTER REGARDING TTD AUDIT DEFICIENCIES

Mr. Leary said this was the first time they had been audited under Criteria 34. He said the District's auditors were on notice to do a better job in the future. He said the state has inconsistencies in the way they apply the regulation. Mr. Feinstein said he had talked to Matt Allred, the Commission's accountant, and that the state may have called it "unrestrictive" instead of "unreserved", the terminology was changed. There was no financial implication to TTD. Mr. Coggin said they need to get closer with the auditors and work with them so they don't run into this situation again. Mr. Brown said the state never did this before, the item had not been overlooked but that they were never required to do it in the past.

UPDATE REGARDING FIREHOUSE LEASE

Mr. Dennin suggested the Commission hold an Executive Session to discuss the lease.

FINAL

NEWSLETTER EDITOR FOR AUGUST & SEPTEMBER NEWSLETTERS

- ** MR. BROWN MOTIONED THAT MR. COGGIN BE THE EDITOR FOR THE AUGUST AND SEPTEMBER 2005 NEWSLETTERS.**
- ** MR. COGGIN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

The regular meeting was adjourned at 9:04 p.m.

EXECUTIVE SESSION TO DISCUSS UPDATE REGARDING FIREHOUSE LEASE

- ** MR. COGGIN MOTIONED TO HOLD AN EXECUTIVE SESSION AT 9:05 P.M. FOR THE PURPOSE OF DISCUSSION AND ACTION ON THE FIREHOUSE LEASE AND AN OUTSTANDING UNION GRIEVANCE REGARDING PAYROLL, TO INCLUDE MR. FEINSTEIN, MR. BROWN, MR. COGGIN, MR. STOOPS, MR. SCOFIELD, MR. LEARY AND MR. DENNIN.**
- ** MR. FEINSTEIN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Respectfully submitted,

Linda J. Hayes
Telesco Secretarial Services